

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DOC#: _____
DATE FILED: April 7, 2022

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R.G., an Infant by her Mother and Natural
Guardian, AMINA GARNER, and AMINA
GARNER, Individually,

Plaintiffs,

19-cv-11151 (ALC) (KNF)

- against -

UNITED STATES OF AMERICA,

Defendant.

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ORDER APPROVING SETTLEMENT ON BEHALF OF A MINOR

WHEREAS, the above referenced matter came before the Court for approval as to the reasonableness of a settlement between the United States of America and Plaintiffs R [REDACTED] G [REDACTED], a minor, and AMINA GARNER, Individually and as Mother and Natural Guardian of infant plaintiff R [REDACTED] G [REDACTED];

WHEREAS, the complete and precise terms and conditions of the settlement are set forth in the Stipulation and Order of Settlement and Dismissal (hereinafter “Stipulation and Order”), attached hereto as EXHIBIT “A”. The Court has reviewed the Stipulation and Order, the plaintiffs’ motion for approval of the settlement, and the documents submitted in support of the motion. The Court is fully informed of the specifics of the full and final terms and conditions of the settlement as set forth in the Stipulation and Order; and

WHEREAS, the Court finds that the terms and conditions of this settlement, as set forth in the Stipulation and Order, are fair, reasonable, and in the best interests of the minor plaintiff. The Court further finds that the terms and conditions of this settlement, as set forth in the Stipulation and Order, satisfy the requirements of Local Civil Rule 83.2.

IT IS THEREFORE ORDERED, ADJUDGED, and DECREED that AMINA GARNER, as Mother and Natural Guardian of R [REDACTED] G. [REDACTED], a minor, is authorized, including through counsel, to sign any documents that are necessary to consummate this settlement, including the Stipulation and Order.

IT IS FURTHER ORDERED, ADJUDGED, and DECREED that the settlement amount of THREE HUNDRED THOUSAND and 00/100 (\$300,000.00) DOLLARS shall be distributed after the parties execute, and the Court so orders, the Stipulation and Order, according to the terms and conditions of the Stipulation and Order.

IT IS FURTHER ORDERED, ADJUDGED, and DECREED that the attorneys' fees in this action shall not exceed twenty-five percent (25%) of the settlement value. The Court finds that the costs and expenses associated with the litigation are \$12,088.58 and that such costs and expenses are fair, reasonable and necessary. It is hereby further Ordered that such costs and expenses are approved and are to be paid as provided in the Stipulation and Order and this Order.

IT IS FURTHER ORDERED, ADJUDGED, and DECREED that plaintiffs are legally responsible for any and all past, present, and future liens or claims for payment or reimbursement, including any liens or claims for payment or reimbursement by Medicaid, Medicare, or healthcare providers arising from the subject matter of the action against the UNITED STATES OF AMERICA. The Court hereby Orders plaintiffs, by and through their attorneys, to satisfy or resolve any and all such past, present, and future liens or claims for payment or reimbursement asserted by any individual or entity, including Medicaid or Medicare.

IT IS FURTHER ORDERED, ADJUDGED, and DECREED that the following amounts shall be distributed from the settlement proceeds by plaintiffs' counsel as follows:

- a. \$12,088.58 to Sanocki Newman & Turret, LLP, as and for reimbursement of disbursements expended;
- b. \$71,977.85 to Sanocki Newman & Turret, LLP as and for its attorneys' fees;
- c. \$25,000.00 to AMINA GARNER, as and for her cause of action for loss of services;
- d. \$7,143.05 to be paid to New York City Department of Social Services in full satisfaction of its lien;
- e. \$183,790.52 to be paid as follows:
 - Royal Garner, an Infant, by her Mother and Natural Gurdian, Amina Garner, with an officer of the following bank:
 - Bank of America
2136 Bartow Avenue
Bronx, NY 10475

IT IS FURTHER ORDERED, ADJUDGED, and DECREED that the funds payable to R[REDACTED] G. [REDACTED], an Infant by her Mother and Natural Guardian, AMINA GARNER, joint with an officer of Bank of America, shall be available without early withdrawal penalty for the payment of taxes.

IT IS FURTHER ORDERED, ADJUDGED, and DECREED that upon presentation of signed income tax forms, Bank of America is authorized to make the draft check payable to the tax authority as may be due on behalf of the infant R[REDACTED] G. [REDACTED] by check made directly to the IRS and/or the State Tax Commissions and/or any other tax department necessary.

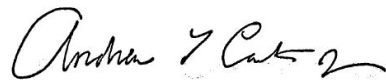
IT IS FURTHER ORDERED, ADJUDGED, and DECREED that the funds on deposit at Bank of America shall be in an account paying the highest rate of interest available for the account selected. Time deposit and certificate of deposit shall be continuously renewed upon

maturity at the highest rate of interest then available, except that the date of maturity shall not extend beyond the date when the said infant, R[REDACTED] G.[REDACTED], attains the age of 18 years, and when no such time deposit or certificate of deposit account is available, the funds shall be deposited in the Bank's Insured money Market Account. No withdrawals shall be made from said account, including any insured money market account before the infant R[REDACTED] G.[REDACTED] reaches the age of 18 years, except for the payment of tax as provided herein; and except upon further order of this Court, which shall be certified by the Clerk of this Court, and bear the raised seal of this Court; and except as provided hereafter.

IT IS FURTHER ORDERED, ADJUDGED, and DECREED that in no event shall the banks maintain on deposit any funds which exceed the amount insured by a federal agency.

IT IS FURTHER ORDERED, ADJUDGED, and DECREED that the aforesaid bank shall, upon demand therefore, and without further Order of the Court, pay over to R[REDACTED] G[REDACTED] and/or any Court appointed representative, when she attain the age of 18 years, all monies held, upon presentation of proper proof of age.

IT IS FURTHER ORDERED, ADJUDGED, and DECREED that the Court will not retain jurisdiction over the action against the UNITED STATES OF AMERICA or the settlement, upon the Court's approval of the Stipulation and Order and dismissal of this action with prejudice pursuant to the terms of the Stipulation and Order.



HON. ANDREW L. CARTER, JR.
UNITED STATES DISTRICT JUDGE
Dated this 7th day of April, 2022
New York, NY